

Message Text

UNCLASSIFIED

PAGE 01 CANBER 06035 010847Z
ACTION L-03

INFO OCT-01 EA-12 ISO-00 TRSE-00 XMB-04 OMB-01 CIAE-00
COME-00 DODE-00 DOTE-00 EB-08 FMC-02 INR-10
NSAE-00 CG-00 DLOS-09 OES-09 SSO-00 INRE-00
NSCE-00 SS-15 /074 W
-----030358 010901Z /20
P 010636Z AUG 78
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC PRIORITY 3939

UNCLAS CANBERRA 6035

E.O. 11652: N/A
TAGS: ETRN, AS
SUBJ: TAXATION OF INSTRUMENTS OF FOREIGN COMMERCE

REF: (A) STATE 191803, (B) CANBERRA 05822, (C) STATE 169382

1. AUSTRALIA IMPOSES NO DUTIES ON INSTRUMENTS OF FOREIGN FLAG CARRIERS. CONTAINERS ARE DUITABLE IF USED IN CABOTAGE, BUT NOT OTHERWISE.

2. THERE IS A TAX ON FREIGHT REVENUES, WHICH IS BASICALLY AN INCOME TAX. FIVE PERCENT OF REVENUE FROM OUTWARD FREIGHT IS TAXABLE, AT COMPANY INCOME TAX RATE. U.S. CARRIERS AND THOSE OF SEVERAL OTHER COUNTRIES ARE EXEMPT FROM THIS TAX AS RESULT OF DOUBLE TAXATION AGREEMENTS.

3. SECTION 51 OF AUSTRALIAN CONSTITUTION GIVES FEDERAL GOVERNMENT JURISDICTION OVER TRADE, INCLUDING INTERSTATE. IT SEEMS PROBABLE THAT IF AN AUSTRALIAN STATE WERE TO ATTEMPT TO LEVY TAX ON INSTRUMENTS OF FOREIGN FLAG CARRIERS, IT WOULD BE STRUCK DOWN AS UNCONSTITUTIONAL. FEDERAL GOVERNMENT DOES NOT PRESENTLY HAVE ON BOOKS A LAW WHICH PROVIDES FOR IMPOSITION OF RETAILIATORY TAXES IN EVENT AUSTRALIAN FLAG CARRIERS ARE TAXED BY FOREIGN-FLAG STATE OR ITS SUBDIVISIONS, BUT CONSTITUTIONAL AUTHORITY OVER
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 CANBER 06035 010847Z

TRADE PLUS PARLIAMENTARY MAJORITY WOULD PROVIDE LEGAL AND POLITICAL BASIS FOR SUCH ACTION IF GOVERNMENT WERE TO DESIRE IT.
ALSTON

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RULES, CUSTOMS DUTIES, MARINE TRANSPORTATION, TAXES, CONTAINERS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978CANBER06035
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780314-0290
Format: TEL
From: CANBERRA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197808114/aaaadrkf.tel
Line Count: 58
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 46bcf759-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 191803, 78 CANBERRA 5822, 78 STATE 169382
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1582515
Secure: OPEN
Status: NATIVE
Subject: TAXATION OF INSTRUMENTS OF FOREIGN COMMERCE
TAGS: ETRN, EWWT, AS
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/46bcf759-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014